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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/826,763  
Filing Date: April 16, 2004  
Appellant(s): PATRICK, JEFFERSON L.

Steven M. Clodfelter, Reg. No. 34,564  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 6, 2009 appealing from the Office action mailed September 04, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Shumate et al.	5544798	08-1996
Armstrong	6517134	02-2003
Oliver	3819074	06-1974
Toivola	6126052	10-2000
Muzzi et al.	5662451	09-1997
Whiting	4630990	12-1986
Vieira et al.	5560666	10-1996

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shumate et al. (US 5,544,798). Shumate discloses an accessory rack 10 with a front platform site near 17 generally extending across the width of a vehicle and a rear platform site at 17' generally extending across the rear of a vehicle, with a front assembly having an elongated front bottom base member 17 attachable across the width of the front platform site and a rear assembly having an elongated rear bottom base member 17' attachable across the width of the rear platform site. A single front upright post 16 is connected at a lower end to the center of the front bottom base member 17 so it is generally centered with respect to the vehicle, and an elongated boat-receiving cross-member 14 is connected at the center thereof to an upper end of the single front upright post, and the elongated front boat receiving cross member is generally parallel to the elongated bottom base member (figures 1-3). A single rear upright post 16' is connected at a lower end to the center of the rear bottom base member 17' so it is generally centered with respect to the vehicle, and an elongated boat-receiving cross-member 14' is connected at the center thereof to an upper end of the single rear upright post 16', and the elongated front boat receiving cross member is generally parallel to the elongated bottom base member (figures 1-3). A single elongated upper beam member 13 extends between the front and rear boat-receiving cross members and is connected to the centers of the front and rear boat-receiving cross members, so that the front and rear upright posts and the upper beam members are centered over respective portions of the vehicle (figures 1-3).

With respect to claim 22, use of the rack of Shumate discloses this method.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9-15, 17-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 6,517,134) in view of Oliver (US 3,819,074).

Armstrong discloses an accessory rack that may support small boats on a transporting vehicle with a front platform site extending generally across the width of a front of the vehicle and a rear platform site extending generally across a width of a rear of the vehicle (figure 2, rear on left, front on right). The accessory rack sites have elongated

bottom base members 54 attachable across a width of the platform site and a single upright post connected at a lower end to the center of the bottom base members such that the upright post is generally centered with respect to the width of the vehicle (figure

3). An elongated boat receiving member 24 is connected at the center of the upper ends of the upright posts and is generally parallel to the elongated bottom base

members 54 in both the front and rear assemblies. Armstrong does not disclose a single elongated upper beam member extending between the front boat-receiving

cross-member and the rear boat-receiving cross member. Oliver teaches a single elongated upper beam member 26 extending between a center of a front boat receiving cross member 28 and a center of the rear boat receiving cross member 25 so that it is

generally centered over a vehicle. It would have been obvious to one of ordinary skill in the art at the time of invention to include a single elongated upper beam between the front and rear assemblies of Armstrong, in order to give strength to the accessory rack when it is in a working position (figure 2).

With respect to claim 2, the primary reference Armstrong discloses that the front and rear upright posts 18/22 each have a lower upright post portion 22 and an upper upright post portion 18. The lower upright post portions 22 are attached at the centers of the elongated bottom base members 54. The upper upright post portions are attached to the centers of the boat receiving cross members 24. The lower and upper upright post positions are configured to be removably and adjustably engageable with each other at 58 (figure 2) so that the boat receiving cross members can be locked at a selected height over the vehicle (figure 2).

With respect to claim 3, the primary reference Armstrong discloses that the boat receiving cross members have an upturned arm 20 at each end (figure 3).

With respect to claim 4, the primary reference Armstrong discloses that the lower and upper post portions are constructed of rectangular metal tubing (column 3, lines 32-36) and provided with a series of alignable, vertically spaced apart holes 28 to allow a locking member 36 to be inserted through the lower post portions and upper post portion, locking the boat-receiving cross-member at a selected height.

With respect to claim 9, Armstrong discloses each boat-receiving cross member has an elongated middle portion 24 generally parallel to the bottom base member 54 and connected at the center to the upper end of the upper post portion. At opposed

ends of the elongated middle portions are boat-receiving end portions 20 which are configured to be removably and adjustably engaged, and lockable with a respective end of the middle portion to provide the cross member with a selected width. Armstrong does not disclose that the middle portion of the boat-receiving cross member has a stub portion. Oliver teaches an accessory rack for carrying a boat on a vehicle with two boat receiving cross members 28 and 29 connected with a central upper beam member 26. Stub portions 44/45 are attached to the center of the middle portions of the boat receiving cross members and face the opposite assembly to removably and slidably receive and lock the upper beam member 26. Upper beam members and stub portions are adaptable so that the user may select a length of rack for a specific vehicle (column 2, line 63- column 3, line 8). It would have been obvious to one of ordinary skill in the art at the time of invention to use stub portions on the boat-receiving cross member to lock a single central upper beam member of a selected length to the accessory rack of Armstrong, in order to make the accessory rack adjustable in length and allow it to be easily disassembled and stored.

With respect to claim 10, the middle portion of the boat receiving cross member of Armstrong may be about 2 feet in length, and extend about a foot on either side of the centrally located upper post portion. Armstrong discloses the claimed invention except for the specific length of the middle portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the middle portion about 2 feet in length, since it has been held that discovering an optimum value



of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 11, the lower upright post portion of Armstrong may be about one-half the height of the front and rear upright post portions. Armstrong discloses the claimed invention except for the length of the upright post portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the lower upright post portion about one-half the height of the front and rear upright post portions in height, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 12, the upper post portion of Armstrong may be adjusted and locked within the lower post portion at a height so that the top of the upper post portion and elongated middle portion is about 3 feet over the vehicle. Armstrong discloses the claimed invention except for the possible height of the upright post portions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust and lock the upper post portion within the lower post portion at a height so that the top of the upper post portion and elongated middle portion is about 3 feet over the vehicle, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 13, the front bottom member of Armstrong may be about 33 inches in length and the rear bottom member of Armstrong may be about 43 inches in

length. Armstrong discloses the claimed invention except for the specific lengths of the bottom members. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the front bottom member of Armstrong about 33 inches in length and the rear bottom member of Armstrong about 43 inches in length, i.e., to make each of the front and rear bottom members (brackets 54) wider by extending them, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 14, the upper post portion of Armstrong may be adjusted and locked within the lower post portion at a height so that the top of the upper post portion is about 3 feet above a said front bottom base member and a said rear bottom base member. Armstrong discloses the claimed invention except for the possible height of the upright post portions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust and lock the upper post portion within the lower post portion at a height so that the top of the upper post portion is about 3 feet above a said front bottom base member and a said rear bottom base member, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 17, Armstrong discloses an accessory rack for carrying a boat or other elongated objects lengthwise over the middle portion of a vehicle. Front and rear end assemblies 10 are mounted to front and rear vehicle cargo racks (front

and rear sections of truck cargo areas, near front and rear 56 in figure 2) with means for removably mounting and front and rear assemblies (bolts near 54, figure 3). Single, adjustable in height vertical support means 18/22 are attached to the mounting means so that the vertical support means are generally centered widthwise with respect to the cargo rack, and thereby over a middle of the respective front or rear of the vehicle (figure 3). Elongated horizontal support means 24 attached at a center thereof to the vertical support means are oriented to extend widthwise over a respective front or rear of said vehicle for receiving a boat or other objects (figure 3). A boat or other elongate objects are supported lengthwise over a middle of the vehicle by the vertical support means. Armstrong does not disclose a connection means connected between the front end assembly and the rear end assembly. Oliver teaches a connecting means 26 and 44 extending between a center of the front end assembly 28 and a center of the rear end assembly 25 so that it is generally centered over a vehicle. It would have been obvious to one of ordinary skill in the art at the time of invention to include a connection means between the front and rear end assemblies of Armstrong, in order to give strength to the accessory rack when it is in a working position (figure 2).

With respect to claim 18, the primary reference Armstrong discloses that the front and rear vertical supports 18/22 each have a first vertical support portion means 22 and a second vertical support portion means 18. The first vertical support portion means 22 are attached at the centers of the mounting means 54. The first and second vertical support portion means are configured to be lockably, removably and adjustably

engageable with each other at 58 (figure 2) so that the boat receiving cross members can be locked at a selected height over the vehicle (figure 2).

With respect to claim 19, the primary reference Armstrong discloses that the elongated horizontal support means further has an elongated middle portion support means 24 having opposed ends and are attached at the center to the upper end of the second vertical support portion means for supporting a boat or other elongate objects. Two end portion means 20 are removably, lockably, and adjustably engage the opposed ends of the middle portion support means for locking the horizontal support means at a selected width and for being removable.

With respect to claim 20, Armstrong does not disclose a single short connection means at the center of the each elongated middle portion support means. Oliver teaches an accessory rack for carrying a boat on a vehicle with two elongated middle portion support means 28 and 25 connected with a connection means 26. Short connection means 44/45 are attached to the center of the elongated middle portion support means and face the opposite middle support means to removably and slidably receive and lock the elongated connection means 26 between them. It would have been obvious to one of ordinary skill in the art at the time of invention to use short connection means on the middle portion support means to lock a single connection means to the accessory rack of Armstrong, in order to make the accessory rack adjustable in length and allow it to be easily disassembled and stored.

With respect to claim 22, use of the structure disclosed by Armstrong as modified by Oliver discloses this method.

With respect to claim 23, use of the structure disclosed by Armstrong as modified by Oliver discloses this method.

With respect to claim 24, use of the structure disclosed by Armstrong as modified by Oliver discloses this method.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 6,517,134) in view of Oliver (US 3,819,074), and further in view of Toivola (US 6, 126, 052). Armstrong as modified by Oliver discloses the structure of claim 4, but does not disclose that the transporting vehicle is an ATV. Toivola teaches a vehicle-carried accessory rack with front and rear platform sites, front and rear bottom base members 30, front and rear upright post portions 40, and connected front and rear boat receiving cross members 50. The accessory rack of Toivola may be carried on an ATV (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to carry the accessory rack of Armstrong as modified on an ATV, to allow the boat to be carried where only an ATV may travel.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 6,517,134) in view of Oliver (US 3,819,074), and further in view of Toivola (US 6, 126, 052) as applied in claim 5 above, and further in view of Muzzi et al. (US 5,662,451). Armstrong as modified above discloses that the front and rear bottom base members 54 extend across a width of the attachment site, but does not disclose U-bolts connecting the structure to the platforms of a vehicle. Muzzi et al. teaches a carrying rack structure with a vertical member attached to the front and back rack of an ATV (figure 1) with U-bolts. It would have been obvious to one of ordinary skill in the art

to use U-bolts to connect the modified carrying rack to the platforms of an ATV, as they are the conventional fasteners for such a purpose (Muzzi et al.; column 5, lines 18-35).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 6,517,134) in view of Oliver (US 3,819,074), and further in view of Whiting (US 4630990). Armstrong as modified by Oliver discloses the structure of claim 9, but does not disclose gear attachments attached to the rack with an opening for a tie-down. Whiting discloses an accessory rack with gear attachments 103/115 having openings for receiving tie-downs 109/131, and attached to the rack adjacent the center of the elongated middle portion (figure 1, figure 4, figure 5). It would have been obvious to one of ordinary skill in the art at the time of invention to include gear attachments for tie-downs on the rack of Armstrong as modified, in order to securely mount cargo to the accessory rack.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 6,517,134) in view of Oliver (US 3,819,074), and further in view of Toivola (US 6,126,052) and Vieira et al (US 5,560,666). Armstrong as modified discloses the structure of claim 20, and strengthening means that may be used between the elongated middle support means and the vertical support means (figure 5), but does not disclose strengthening means between a mounting means and vertical support means or an elongated middle support means and short connection means. Toivola teaches an accessory rack with strengthening means 42 mounted between vertical support means 40 and short connection means 20. It would have been obvious to one of ordinary skill in the art to put strengthening means between the vertical support

means and the short connection means on the accessory rack of Armstrong as modified, in order to make the connection between the rack elements stronger. Armstrong as modified by Oliver and Toivola does not teach strengthening means between the vertical support means and the mounting means. Vieira et al. teach an accessory rack with a strengthening means 50 between the vertical support means 42 and the mounting means 32. It would have been obvious to one of ordinary skill in the art at the time of invention to put strengthening means between the vertical support means and mounting means on the accessory rack of Armstrong as modified, in order to make the connection between the rack elements stronger.

#### **(10) Response to Argument**

##### **Rejection under 35 USC §102**

###### **Claim 1**

Appellant argues, Shumate et al., does not disclose "an accessory rack for supporting small boats on a transporting vehicle having available a front platform site extending generally across a width of a front of said vehicle", since the front of the vehicle of Shumate et al., is not shown.

Examiner disagrees, Shumate et al., Figure 2 teaches the accessory rack in Figure 2 for supporting small boats (15).

The accessory rack of Shumate et al., is not permanently mounted or attached to the vehicle bed. Since the accessory rack of Shumate et al., is not permanently mounted to the vehicle, the accessory rack is capable of being removed from vehicle

bed and mounted onto other vehicle and mounted on to other vehicles at various location points with respect to the various sizes of the vehicle.

Column 3, lines 6 – 11 recites: the elongated article carrier is relatively lightweight and can be lifted and installed by an adult in less than five minutes. Removal of the elongated article carrier from the vehicle is likewise quick, convenient and can be achieved after unloading canoes thereon.

Therefore, the accessory rack of Shumate et al., is also capable of being mounted at the front platform site extending generally across the width of the front of a vehicle such as an ATV.

Appellant argues, "Shumate et al., does not disclose "the front assembly having the elongated front bottom base member attachable across a width of said front platform site and a rear assembly having an elongated rear bottom base member attachable across a width of said rear platform site".

Examiner disagrees, Shumate et al., teaches the accessory rack having the elongated front bottom base member (17) and the elongated rear bottom base member (17").

As explained above, the accessory rack of Shumate et al., is capable of being removed and remounted onto other vehicle such as an ATV.

Therefore, base on an ATV length size, the elongated front and rear bottom base members (17 & 17") of Shumate et al., are capable of being attached across the width of the front platform site and the rear bottom base member attachable across the width of the rear platform site.



Claim 22

Appellant argues, Shumate et al., does not disclose "mounting a first single vertical support so that said first single vertical support extends upward over a middle of a front of said vehicle.

Examiner disagrees, Shumate et al., teaches the first single vertical support (16) extends upward over the middle of the vehicle (See Figure 1).

As explained above, when the accessory Shumate et al., is capable of being mounted on smaller vehicles such as an ATV, the first single vertical support (16) will extend upwardly over the middle of the front of the vehicle.

**Rejection under 35 USC §103(a)**

Claims 1-4, 9-15, 17-20 & 20- 22

Appellant argues, Armstrong does not disclose the front of the vehicle. Therefore, there is no basis for "a front platform site extending generally across a width of a front of said vehicle".

Examiner disagrees, Armstrong discloses the mountable accessory rack that is attachable to a vehicle via the couplings (54, 56, 58 & 64).

Column 4, lines 30 – 32 recites: means (54) for coupling the lower vertical member (22) of each support structure (18) to portions A, B, and C of a vehicle.

Therefore, since the accessory rack is mountable to a vehicle via the couplings, it would have been obvious to one having ordinary skill in the art to move and relocate the

accessory rack to be mounted to the front of the vehicle, since the rack of Armstrong is capable of mounted at a plurality of locations.

Furthermore, it is clear from figure 3 of Armstrong that the base member extends along a width of the platform site at the truck bed.

Appellant argues, the office action mailed on September 4, 2008 fails to provide a legally valid reason for combining Armstrong and Oliver references.

Examiner disagrees, Armstrong and Oliver share a similar structures, such as the horizontal beams centered over vertical posts that rest on vehicles to transport large equipment.

The main difference between the two references is Oliver teaches the single, elongated upper beam (26) extending between the center of a front boat receiving cross members (28) and the center of the rear boat receiving cross member (25) so that it is generally centered over the vehicle.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make to include the single elongated upper beam between the front and rear assemblies of Armstrong, in order to give strength to the accessory rack when it is in the working position (See Figure 2).

The combination of any two references, without physical manipulation of devices to test their real-world results, is inherently speculative, and in no way deems the obvious result of that speculative combination illegitimate for the basis of a 103 rejection.

Claim 9

Appellant argues, Armstrong does not disclose a stub portion attached to the center of the middle portion and appellant further argues that stub 44 is a "sleeves".

Examiner agrees, the specification filed on April 23, 2007, page 6, line 8 discloses the stubs with reference character (50 & 50A).

Figure 1 of the drawings filed April 16, 2004 disclose (50 & 50A). The stubs (50 & 50A) in Figure 1 also looks like and functions like a sleeve.

Oliver teaches two stub shafts (44 and 45) (See Figure 2). Therefore, stubs (44 & 45) of Oliver meets and satisfies appellant specification and drawings.

Claims 12 – 14

Appellant argues, it is unclear whether the racks of Armstrong can be adjusted to a distance "about 3 feet over said vehicle".

Examiner disagrees, Armstrong teaches the racks are telescoping racks that are capable of being adjusted in the vehicle direction to accommodate the user height preferences (See Figures 2 & 3).

However, Armstrong does not explicitly disclose if the adjustable telescoping racks adjust to a distance of about 3 feet over the vehicle.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the adjustable telescoping racks of Armstrong adjust to about 3 feet over the vehicle, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

#### Claim 13

Appellant argues, the bracket of Armstrong is not "attachable across a width" of the pickup truck bed, but only extends along a small portion of the width of the bed".

Examiner disagrees, Armstrong teaches the accessory rack is attached across the width (See Figure 3) of the vehicle bed. Claim 13 does not recite that the accessory rack is attached across the entire width length of the vehicle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make front bottom base member is about 33 inches in length and the rear bottom base member is about 43 inches in length, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

#### Claims 17 – 19,

Appellant argues, Armstrong cannot be relied on for any teaching related to "a front cargo rack for carrying gear over a front of the vehicle".

Examiner disagrees, Armstrong teaches the accessory rack transporting cargo (i.e. elongated ladder) over the vehicle.

Furthermore, Armstrong teaches the accessory rack that is capable of having the vertical post columns mounted to the vehicle at any location point via the couplings (54 / 56) to accommodate the user's unique cargo equipment specifications.

Column 4, lines 30 – 32 recites: means (54) for coupling the lower vertical member (22) of each support structure (18) to portions A, B, and C of a vehicle.

Therefore, the front post column is capable of being relocated at multiple locations of the vehicle such as the front of the vehicle to transport larger cargo items / equipment.

Appellant argues, Armstrong does not disclose "mounting means".

Examiner disagrees, the mounting means are read as any connection are removable to allow for easy attachment. The brackets of Armstrong clear meet this as disclosed in column 4, line 48.

Appellant argues, Armstrong does not disclose "connecting means".

Examiner disagrees, the short connection means 44 has the equivalent structure, results, and function of the short connection means of claim 20 and the short connection means described in the specification and drawings, and therefore meets all the limitations of the means plus function claim.

Appellant argues, Armstrong in view of Oliver does not disclose "end portion means" or "elongated horizontal support means."

Examiner disagrees, claims 20 & 21 sets forth: a single short connection means; elongated middle portion support means; an elongated, single connection means; one end; rear end; plurality of strengthening means; and mounting means.

End Portion means and or elongated horizontal support means are not positively claimed in claims 20 and 21.

It appears appellant is arguing on structural limitations that are not positively claimed regarding claims 20 and 21.

#### Claim 22

Appellant argues, the method claims were rejected without explanation other than "use of the structure" disclosed by Armstrong.

Examiner disagree, the structure has been set forth and the method steps are simply "mounting", "providing" and "using" and therefore as the structure has been set forth, the steps of the method are met as well.

#### Claim 5

Appellant argues, the office action mailed on September 04, 2008 did not provide any particular modification or guidance as to how the prior art suggests Appellant's invention.

Examiner disagrees, Toivola discloses a boat / canoe (12) being transported on an accessory rack (See Figure 1). The accessory rack of Toivola discloses the rack being mounted to the front of the vehicle (ATV) and the rear of the vehicle (ATV).

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make carry the accessory rack of Armstrong to allow the rack to be mounted to an ATV in order to allow the boat to be transported where the ATV may travel.

#### Claim 6

Appellant argues, there is no "modification above" that would extend brackets (54) of Armstrong "across a width of each said platform sites" and it is unclear what advantage would result or improvement would be made by extending the brackets of Armstrong.

Examiner disagrees, appellant describes the base bracket of Armstrong extends along a width of the truck (See Figure 3). It is clear from figures 2 and 3 of Armstrong that the base member extends along a width of the platform site at the truck bed.

#### Claim 16

Appellant argues, there is no teaching in any of the cited prior art that would suggest desirability or advantages of gear attachment at Appellant claim location.

Examiner disagrees, Whiting teaches advantages of having gear attachment with the accessory rack. Whiting teaches gear attachment such as (103 & 115) having

openings for receiving tie-downs (109 & 131). One of the advantages of having gear attachments such as tie-downs and straps with the accessory rack is to adequately secure the cargo (i.e. boat / canoe) from excess movement and prevent the cargo from falling off the vehicle while transporting the cargo.

***Conclusion***

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/L. L. V./

Examiner, Art Unit 3782

Conferees:

/GARY L. WELCH/

Supervisory Patent Examiner, Art Unit 3765

/Nathan J. Newhouse/

Supervisory Patent Examiner, Art Unit 3782